

PATENT
Customer No. 22,852
Attorney Docket No. 07812.0019-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hubertus A. SPAEPEN) Group Art Unit: 1754
Application No.: 09/248,392) Examiner: E. Nave
Filed: February 12, 1999)
CPA Filed: March 19, 2001)
For: IMPROVED KAOLIN CLAYS)
AND METHODS OF MAKING SAME)

#21/113
10/23/2

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, David R. Skuse, do hereby make the following declaration:

1. I am a United Kingdom citizen, residing at 178 Walden Rd.,
Sandersville, Georgia 31082, USA.
2. I have been awarded a BSc degree in chemistry from The University of
Wales and a doctorate degree in colloid and polymer chemistry from The University
of Bristol. I am a Chartered Chemist and a Fellow of the Royal Society of Chemistry.
3. I have been employed by IMERYS since 1989, and I presently hold the
position of Technical Director: Product Development. During my employment at
IMERYS, I have been engaged in research and development regarding many
aspects of kaolin, ground calcium carbonate, and precipitated calcium carbonate
processing.

Application No.: 09/248,392
Attorney Docket No.: 07812.0019-00

4. I understand the rejection entitled "Claim Rejections - 35 U.S.C. § 103" made by the Examiner in the Final Office Action of November 17, 2000.

5. Given my education and experience, particularly in the area of pigment materials for paper filler and paper coatings, including precipitated calcium carbonate, I consider myself one of ordinary skill in the art and able to provide the following testimony regarding U.S. Patent No. 4,888,160, issued to Kosin et al.

6. I recognize that Kosin et al.'s process utilizes a closed batch reactor system comprising a stirred tank reactor with a recycle line. In column 3, Kosin et al. teaches the use of an agitator or stirrer in order to maintain homogeneity. In column 4, Kosin et al. explains that the agitator/stirrer is necessary even after the carbon dioxide is no longer being added to carry out the reaction in the tank.

7. I also recognize that Kosin et al. teaches that the recycle line is essential for the operation of his system.

8. In view of these and other disclosures by Kosin et al., it is my opinion that one of ordinary skill in the art, when asked to envision a continuous/semi-continuous process based on Kosin et al., would most likely envision a process defined by a series of stirred tank reactors with one or more recycle lines. It is well known to a process engineer that a number of stirred tank reactors, connected in series, where the output of one is the input of the next, constitutes a continuous process.

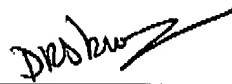
9. In view of these and other disclosures by Kosin et al., it is my opinion that one of ordinary skill in the art would not envision a channel, as claimed by

Application No.: 09/248,392
Attorney Docket No.: 07812.0019-00

Applicant, wherein reactants enter and product leave on a continuous or semi-continuous basis.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: January 17, 2002

By: 
David R. Skuse